



# City of Marietta

## Meeting Agenda

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

### CITY COUNCIL

*William B. Dunaway, Mayor*  
*Betty Lou Hunter, Ward 1*  
*M. C. (Pete) Waldrep, Jr., Ward 2*  
*John V. Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, January 12, 2005	7:00 PM	Council Chamber
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### INVOCATION:

*Councilman Philip M. Goldstein introducing Iqbal Kalla to give the invocation*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

- 20041433      Service Award for Pete Waldrep**  
Presentation of award for 10 years of service to Councilman M. C. "Pete" Waldrep, Jr.
- 20050035      Presentation of Allgood Road by SPSU**  
Presentation of the Allgood Road Collaborative which is a joint effort of the City of Marietta and Southern Polytechnic State University. This gives architectural, civil engineering and construction students the opportunity to present conceptual projects to the local community.
- 20050043      Finance GFOA Recognition**  
Lori Duncan, Budget Administrator and Diane Sellito, Budget Analyst accepting the Distinguished Budget Presentation Award which is the highest form of recognition in governmental budgeting from the Government Finance Officers Association.
- 20050046      Presentation from the Boys & Girls Club**  
Presentation from Mr. Henry Saxon, Regional Vice-President, Boys and Girls Club of Cobb County to the City of Marietta for the city's commitment to the Franklin Road Boys & Girls Club.

### PROCLAMATIONS:

### CONSENT AGENDA:

Consent agenda items are marked by an asterisk (\*).  
(A public hearing will be held only for those items marked by an asterisk that require a public hearing, which is so noted below the agenda item.)

### MINUTES:

**20041431 Regular Meeting - December 8, 2004**

Review and approval of the December 8, 2004 regular meeting minutes.

**MAYOR'S APPOINTMENTS:**

- \* **20041393 Mayor Pro tem**  
Reappointment of M. C. "Pete" Waldrep, Jr., as the Mayor Pro tem for a term of one year expiring on January 2, 2006.
- \* **20041394 Presiding Officer**  
Reappointment of James W. King as the Presiding Officer for a term of one year expiring on January 2, 2006.
- \* **20041395 BLW Appointment (Council member)**  
Reappointment of James W. King as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 2, 2006.
- \* **20041396 Economic/Community Development Committee**  
Reappointment of John V. Sinclair, as chairman, Philip M. Goldstein and G. A. "Andy" Morris, Sr., to the Economic/Community Development Committee for a term of one year expiring on January 2, 2006.
- \* **20041397 Finance/Investments Committee**  
Reappointment of Philip M. Goldstein, as chairman, John V. Sinclair and James W. King to the Finance/Investments Committee for a term of one year expiring on January 2, 2006.
- \* **20041398 Judicial/Legislative Committee**  
Reappointment of M. C. "Pete" Waldrep, Jr., as chairman, Betty L. Hunter and James W. King to the Judicial/Legislative Committee for a term of one year expiring on January 2, 2006.
- \* **20041399 Parks, Recreation & Tourism Committee**  
Reappointment of Rev. Anthony Coleman, as chairman, Betty L. Hunter and M.C. "Pete" Waldrep, Jr., to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 2, 2006.
- \* **20041400 Personnel/Insurance Committee**  
Reappointment of Betty L. Hunter, as chairman, Philip M. Goldstein and Rev. Anthony Coleman to the Personnel/Insurance Committee for a term of one year expiring on January 2, 2006.
- \* **20041401 Public Safety Committee**  
Reappointment of G. A. "Andy" Morris, as chairman, M. C. "Pete" Waldrep, Jr., and Rev. Anthony Coleman to the Public Safety Committee for a term of one year expiring on January 2, 2006.
- \* **20041402 Public Works Committee**  
Reappointment of James W. King, as chairman, Johnny Sinclair and G. A. "Andy" Morris to the Public Works Committee for a term of one year expiring on January

2, 2006.

- \*20041403
- Marietta Housing Authority Liaison**
- Reappointment of Betty Hunter as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 2, 2006

- \*20041404
- Marietta Board of Education**
- Reappointment of M. C. "Pete" Waldrep, Jr., as the council liaison to the Marietta Board of Education for a one year term expiring on January 2, 2006.

- \*20041405
- Pension Board (Council Representatives)**
- Reappointment of Betty L. Hunter and James W. King to the City of Marietta Pension Board, expiring on January 2, 2006.

CITY COUNCIL APPOINTMENTS:

- \*20041298
- ADA Advisory Board - Post 1**
- Appointment of Nysia Lanier to Post 1 of the American with Disabilities Advisory (ADA) Board for a three-year term expiring on December 31, 2007.

- \*20041300
- ADA Advisory Board - Post 5**
- Reappointment of Lawrence (Larry) Panetta to Post 5 of the American with Disabilities Advisory (ADA) Board for a three-year term expiring on December 31, 2007.

- \*20041408
- Planning Commission (Ward 1)**
- Reappointment of William Florence to the Planning Commission, Ward 1, for a term of three years expiring on January 14, 2008.

- \*20041429
- Cobb Municipal Association Voting Delegates for 2005**
- Appointment of Betty L. Hunter and Philip M. Goldstein as the 2005 voting delegates for the Cobb Municipal Association.

- \*20041430
- Marietta Welcome Center & Visitors Bureau**
- Re-appointment of Philip M. Goldstein to the Marietta Welcome Center & Visitors Bureau for a two-year term.

ORDINANCES:

- 20041351
- Z2005-01 Joy E. Zoodsma 479 & 483 Kennesaw Avenue**
- Z2005-01 JOY ZOODSMA requests rezoning for property located in Land Lot 10850, Parcels 70 and 1680, 16th District, 2nd Section, Marietta, Cobb County, Georgia and being known as 479 and 483 Kennesaw Avenue from R2 (Single Family Residential) to R4 (Single Family Residential). Ward 4A.
- Public Hearing
- All parties sworn in
- Planning Commission recommends Denial
- Vote: 5- 0

- 20041352
- Z2005-02 James Collins portions of 137 and 325 Austin Avenue**
- Z2005-02 JAMES COLLINS requests rezoning for property located in Land Lot

1141, portions of parcel 7 and 27, 16th District, 2nd Section, Marietta, Cobb County, Georgia and being known as portions of 317 and 325 Austin Avenue from R4 (Single Family Residential) to CRC (Community Retail Commercial). Ward 6A.

*Public Hearing*  
*All parties sworn in*  
*Planning Commission recommends Denial*  
*Vote: 5- 0*

**20041426      Z2005-05 City of Marietta**

Z2005-05 CITY OF MARIETTA requests rezoning for certain properties located in Land Lots 1290 and 1291 of the 16th District and certain properties located in Land Lots 216 and 217 of the 17th District from RM12 (Multi-family residential 12 units/acre), CRC (Community Retail Commercial) and R4 (Single Family Residential 4 units/acre) to MXD (Mixed Use Development).

*Public Hearing*  
*All parties sworn in*  
*Planning Commission recommends Approval*  
*Vote: 5- 0*

**\*      20050004      Code Enforcement - 879 Meadow Place**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation rendering sanitary, property located at 879 Meadow Place in the corporate limits of the City of Marietta.  
Certified mail receipt received November 2, 2004.  
Taxes paid: Yes  
PUBLIC HEARING REQUIRED

**RESOLUTIONS:**

**\*      20041308      Delk Road LCI TOD Study**

A Resolution approving the findings and conclusions of the Delk Road Transit Oriented Development (TOD) Livable Centers Initiative (LCI) study.

**CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: John V. Sinclair, Chairperson**

**\*      20041449      Manget Street Redevelopment Projects**

Motion to approve the request for proposal (RFP) for the Manget Street Redevelopment Project and authorize issuance, with the right to accept and reject all bids.

**2. Finance/Investment: Philip M. Goldstein, Chairperson**

**\*      20041414      Vest Reimbursement**

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Ordinance approving a budget amendment for the acceptance of a grant for bullet resistant vests in the amount of \$4,740.50.

\*      **20041450      MFES Use of Cobb Tax Equity Reimbursement**

Ordinance amending FY2005 General Fund Budget to receive and appropriate Cobb Tax Equity Reimbursement of \$400,000 for purchase of Fire Truck and Intersection Safety Program receipts of \$128,909 for funding program and administrative costs.

\*      **20050005      Budget Amendment related to Redevelopment Projects**

Ordinance amending the fiscal year 2005 budget to appropriate \$191,000 from fund balance to the property acquisition account to cover carrying an disposition costs for the Manget Street and Johnny Walker Homes Redevelopment projects.

**3. Judicial/Legislative: M. C. "Pete" Waldrep, Jr., Chairperson**

\*      **20041309      Sign Ordinance Amendment for Fee Changes**

Motion to authorize advertisement of a public hearing at the February, 2005, City Council Meeting to consider the proposed amendment to the Sign Ordinance for the purpose of eliminating sign permit fees for permanent signs, while continuing to require building permit fees.

\*      **20041361      Establishing Qualifying Fees & Qualifying Period for the November 8, 2005 General Election**

Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

\*      **20041443      Historic Preservation Ordinance**

Motion to authorize advertisement for a Public Hearing to be held at the February 2005 City Council Meeting regarding the proposed amendment to the Historic Preservation Ordinance.

*Councilman Philip M. Goldstein voting against.*

\*      **20041428      2005 Judicial Legislative Issues**

Motion to approve Marietta's top legislative items for the Georgia General Assembly Session for 2005.

**4. Parks, Recreation and Tourism: Rev. Anthony Coleman, Chairperson**

\*      **20041419      Special Event Street Closure Requests for 2005**

Motion to approve the temporary closing of streets and parking spaces for the attached special events in calendar year 2005.

\*      **20041441      Use of Glover Park**

Motion to waive Section 10-4-70D of the Marietta Code of Ordinances and approve the consumption of alcohol in Glover Park for the State Bar of Georgia event on Friday, April 7, 2006 from 5:00 p.m. until 7:00 p.m.

**5. Personnel/Insurance: Betty L. Hunter, Chairperson****6. Public Safety Committee: G. A. "Andy" Morris, Chairperson****7. Public Works Committee: James W. King, Chairperson**

- \* **20041454      Automated Traffic Enforcement System**
- Motion to authorize staff to move forward with the installation of an Automated Traffic Enforcement Systems at the intersection of Allgood Road and Cobb Parkway.
- Councilman Philip M. Goldstein voting against.*
- \* **20041455      Request from Georgia Department of Transportation regarding Old Canton Road Bridge at US 41**
- Motion to approve a request from the Georgia Department of Transportation to add a portion of Industrial Park Drive and Elizabeth Street to the State Route system for the duration of the construction project at Old Canton Road and US 41, contingent upon the approval of the City Attorney.
- \* **20041457      Proposed Right of Way Exchange on Fairview Avenue**
- Motion to deny a request to exchange right of way along Fairview Avenue as a part of an annexation and rezoning request.
- \* **20041459      Cora Court and Henry Drive Right of Way**
- Motion to approve a request to close Cora Court and a portion of Henry Drive.
- \* **20041460      Budget Amendments for Cherokee Street @ Cherry Street and Tower Road @ Church Street**
- Motion to approve a request to establish budget amendments for the Georgia Department of Transportation funding for Cherokee Street at Cherry Street and Tower Road at Church Street improvement projects.
- \* **20041490      Marietta Aeronautical Museum Request**
- Motion to provide a permanent loan of the Berlin Wall piece to the Marietta Aeronautical Museum and transfer ownership immediately, subject to the condition that the Berlin Wall piece will revert back to the city if the museum is dissolved.

**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****OTHER BUSINESS:****20041468      Laurel Springs and Dunleith Homeowners Association, Inc. , Appeal Hearing**

Appeal hearing for the Laurel Springs Homeowners Association, Inc., and the Dunleith Homeowners Association regarding the decision to issue a beer license to Eun & Agnes, Inc., dba Maria Bonita Club, 1177 Bellemeade Drive, Marietta, GA.

*Public Hearing (40 minute limit - 20 minutes per side)*

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- 20041479      HO2005-01 Gerald Alvarez and Ann Clark 144 Coryell Street**
- HO2005-01 GERALD ALVAREZ AND ANN CLARK request home occupation for property located in Land Lot 12330 of the 16th District, Parcel 0140, 2nd Section of Cobb County, Marietta, Georgia and being known as 144 Coryell Street. Request to establish a home occupation for counseling service.
- \*      **20041082      October Regular Council Meeting Date Change Request**
- Motion to approve changing the October 12, 2005, regular City Council meeting date to Tuesday, October 11, 2005, due to the conflict with Erev Yom Kippur.
- \*      **20041451      Travel Expenses for GMA Board Meeting**
- Motion to approve the travel expenses for Councilman Philip M. Goldstein for the GMA Board of Directors meeting at Callaway Gardens.  
*Philip M. Goldstein abstaining*
- \*      **20041456      Proposed Right of Way Purchase on Fairlane Drive**
- Motion to authorize advertisement for a public hearing at the February 2005 City Council meeting in regards to a request to purchase right of way along Fairlane Drive.
- 20041458      Final approval of the Quitclaim deed for the former Campbell Hill Street**
- Motion to approve request for final approval of the quitclaim deed for the former right-of-way for Campbell Hill Street.
- \*      **20041482      Mayor's Day Conference Travel Expenses**
- Motion to approve travel & training expenses for Council members Betty Hunter and Philip M. Goldstein for the Mayors' Day Conference, January 22-24, 2005, at the Omni Hotel in Atlanta.  
*Betty L. Hunter and Philip M. Goldstein abstaining.*
- \*      **20050014      Proposed "No Parking" Zone at 329 Atlanta Street**
- Motion to approve the request for a "No Parking" zone at 329 Atlanta Street.
- \*      **20050036      Extension of Remington Contract**
- Motion to extend the management contract for the Marietta Conference Center & Resort with Remington Hospitality until March 31, 2005.
- \*      **20050044      Condemnation of property at 483 Frasier Street**
- Motion to approve the condemnation of property located at 483 Frasier Street (16th District, Land Lot12870, Parcel 1110). The city attorney is hereby authorized to take any and all actions necessary to facilitate the condemnation.  
*Council members Coleman and King voting against.*
- \*      **20050045      Condemnation of property at 497 and 499 Haley Street**
- Motion to approve the condemnation of property located at 497 and 499 Haley Street (16th District, Land Lot12870, Parcels 0930 and 0940). The city attorney is hereby authorized to take any and all actions necessary to facilitate the condemnation.  
*Council members Coleman and King voting against.*
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\*      **20050017      BLW January 10, 2005 Regular Meeting**

Review and approval of the actions and minutes of the Board of Lights and Water Works (BLW) for the January 10, 2005 regular meeting.

**ADJOURNMENT:**